

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
EXCEPTION TO JURORS')	Administrative Order
TERMS OF SERVICE DURING THE)	No. 2020 - <u>172</u>
COVID-19 PUBLIC HEALTH)	
EMERGENCY)	
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Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide public health emergency on March 11, 2020 pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Since March 18, 2020, several administrative orders have been issued in response to the COVID-19 public health threat that limited and modified court operations, including jury trials and juror service, to ensure justice in Arizona is administered safely. The most recent such order, Administrative Order No. 2020-143 issued on July 15, 2020, directed Arizona's courts to continue to conduct business in a manner that reduced the risks associated with COVID-19 but to resume certain operations in an orderly way that prioritizes the safety of the public, judicial officers, and employees of the judiciary.

Resuming jury trials safely is included in this most recent administrative order and continues to be a priority for the courts. Juries and jury service are foundational to due process rights under the state and federal constitutions, and courts continue to identify ways for citizens to participate safely as jurors.

As Arizona courts strive to expand the resumption of jury trials during the COVID-19 pandemic, they have seen, as expected, an increase in juror requests for postponement of service or excusal from service due to COVID-19-related reasons. These postponements and excusals have reduced the number of prospective jurors available for jury service. In several small to mid-size counties, the number of postponements and excusals have been sufficient to reduce the number of prospective jurors to less than is needed to schedule jury trials.

Further exacerbating the problem, technology updates by those governmental entities that maintain lists of eligible jurors have occurred in recent months. These updates have delayed courts in obtaining new lists to supplement current juror lists.

A.R.S. §§ 21-332 provides, in part, when a juror's service obligation is fulfilled. This statute also authorizes the presiding superior court judge of the county to apply to the Supreme Court for an exemption. Several presiding judges have applied for an exemption and direction to courts is needed and provided by this administrative order. Therefore,

IT IS ORDERED that pursuant to A.R.S. § 21-332(B), the Presiding Judge of the Superior Court in each county may authorize re-summoning of jurors who have previously been summonsed

and met the term of service under A.R.S. § 21-332(A)(2), (3), (4) and (5) for a period of time commencing on issuance of this order through March 31, 2021.

IT IS FURTHER ORDERED that Presiding Judges of the Superior Court shall only authorize the re-use of jurors pursuant to this order for such time as is necessary and shall evaluate monthly, the need for continued re-use of jurors who previously were summonsed and met the terms of service in A.R.S. § 21-332(A).

Dated this 4th day of November, 2020.

FOR THE COURT:

ROBERT BRUTINEL
Chief Justice